

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**HERBERT LOPEZ,  
ID # 01824978,**

**Petitioner,**

**vs.**

**LORIE DAVIS, Director,  
Texas Department of Criminal  
Justice, Correctional Institutions Division,  
Respondent.**

)  
)  
)  
)  
)  
)  
)

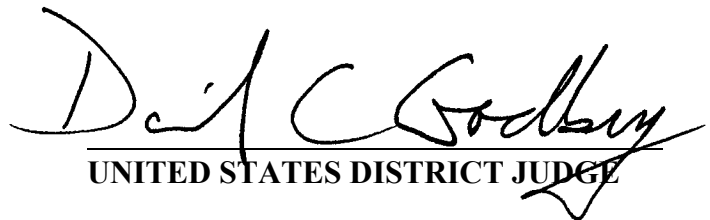
**No. 3:15-CV-3856-N**

**ORDER OF THE COURT ON RECOMMENDATION REGARDING  
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders that:

- ( ) The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The motion for leave to proceed *in forma pauperis* on appeal is DENIED. Because the petitioner has not provided a certificate of inmate trust account as required by 28 U.S.C. § 1915(a)(2), he has not shown that he is a pauper. The petitioner may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

**DATE: May 11, 2018**

  
UNITED STATES DISTRICT JUDGE